

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 28,028

In re: 6817 Georgia Avenue, N.W., Unit 204

Ward Four (4)

BORGER MANAGEMENT, INC.
Housing Provider/Appellant

v.

MICHAEL SINDRAM
Tenant/Appellee

ORDER ON MOTION FOR CONTINUANCE

February 18, 2005

BANKS, CHAIRPERSON. This case is on appeal to the Rental Housing Commission from a decision and order issued by the Rent Administrator, based on a petition filed in the Rental Accommodations and Conversion Division (RACD). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. Law 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001), and the District of Columbia Municipal Regulations (DCMR), 14 DCMR §§ 3800-4399 (1991), govern the proceedings.

I. THE PROCEDURES

On September 4, 2004, Hearing Examiner Gerald Roper issued the Rent Administrator's decision and order. On September 22, 2004, Borger Management, Incorporated, Housing Provider, filed a notice of appeal. On February 3, 2005, the Commission issued its notice of scheduled hearing for March 10, 2005. On February 9,

2005, Michael Sindram, Tenant, filed a motion for continuance of the Commission's hearing date, because he has medically necessitated vocational training on the hearing date. The parties have agreed to a new hearing date on March 14, 2005.

II. THE ISSUE

Whether to grant the Tenant's motion for continuance.

III. THE LAW

The Commission's rule on continuance, 14 DCMR § 3815.1-3 (1991), states:

Any party may move to request a continuance of any scheduled hearing or for extension of time to file a pleading, other than a notice of appeal, or leave to amend a pleading if the motion is served on opposing parties and the Commission at least five (5) days before the hearing or the due date; however, in the event of extraordinary circumstances, the time limit may be shortened by the Commission.

Motions shall set forth good cause for the relief requested.

IV. THE CONCLUSION

Pursuant to the Commission's rule, the Tenant filed the motion for continuance more than five (5) days before the hearing date. Moreover, the Tenant gave "good cause" for the relief requested for a new hearing date, and secured an agreed upon hearing date with the opposing counsel.

Therefore, the new hearing date is Monday, March 14, 2005, at 2:00 p.m. in the Commission at 941 North Capitol Street, N.E., Suite 9200, Washington, D.C.

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order on Motion for Continuance in TP 28,028 was mailed by priority mail, with confirmation of delivery, postage prepaid this 18th day of February, 2005, to:

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